

INTERIM IRM PROCEDURAL UPDATE

DATE: 01/07/2010

NUMBER: WI-21-1209-1044

SUBJECT: Certain Form 1041 Returns Due After December 31, 2010 Must Be Filed Electronically

AFFECTED IRM(s)/SUBSECTION(s): 21.7.4

CHANGE(s):

IRM 21.7.4.4.1.9 - Add new paragraphs (16) and (17) as follows:

(16) Section 17 of the Worker, Homeownership, and Business Assistance Act of 2009, P.L. 111-92, amends IRC section 6011(e) by adding at the end new paragraph (3): “(3) Special Rule for Tax Return Preparers-” *In general, under new paragraph (3)(A), the Secretary shall require that any individual income tax (including estates and trusts) return prepared by a tax return preparer be filed on magnetic media (electronically) if:*

- such return is filed by such tax return preparer, **and**
- such tax return preparer is a specified tax return preparer for the calendar year during which such return is filed

(17) Under new paragraph (3)(B) of IRC section 6011(e), for purposes of Code section 6011(e)(3), the term “specified tax return preparer” means, with respect to any calendar year, any tax return preparer unless such preparer reasonably expects to file 10 or fewer individual income tax returns during such calendar year. Under new paragraph (3)(C) of Code section 6011(e), for purposes of Code section 6011(e)(3), the term “individual income tax return” means any return of the tax imposed by subtitle A of the Code on individuals, estates, or trusts. Act section 17 applies to returns filed after December 31, 2010.